

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 0 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 19-18638
ANTONIA G. BENITEZ Judge: PAPALIA
Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: 6-10-2019
☐ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: PP Initial Debtor: AGB Initial Co-Debtor:

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 1890 per 60 to the Chapter 13 Trustee, starting on
MAY 1, 2019 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$
DOMESTIC SUPPORT OBLIGATION		

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☐ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☐ **NONE**

The following secured claims are unaffected by the Plan:

WELLS FARGO DEALER SERVICES

g. Secured Claims to be Paid in Full Through the Plan: ☐ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan
BASCOM CORPORATION	405 MAIN STREET PATERSON, NJ	\$40,864.56
GUADALUPE FRESSIE	405 MAIN STREET PATERSON, NJ	\$53,961.13

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☐ Not less than 100 percent
- ☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) OTHER ADMINISTRATIVE CLAIMS
- 3) SECURED CLAIMS
- 4) UNSECURED CLAIMS

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 5-1-2019.

Explain below **why** the plan is being modified:

AMOUNT OF CLAIM BEING PAID TO TOYOTA MOTOR CREDIT WAS LESS THAN THE AMOUNT ON RECENTLY FILED PROOF OF CLAIM. CLAIM IS FURTHER NOTED TO BE UNSECURED AS AUTO SECURING DEBT WAS DECLARED A TOTAL LOSS BY INSURANCE COMPANY AND PAID EXCEPT FOR BALANCE BEING PAID IN PLAN

Explain below **how** the plan is being modified:

PLAN PAYMENT IS BEING INCREASED TO REFLECT CORRECT AMOUNT DUE TO TOYOTA MOTOR CREDIT AS ALL CREDITORS BEING PAID 100% OF THEIR CLAIMS.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☒ Yes

☐ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 6-10-2019

/S/ ANTONIA G. BENITEZ
Debtor

Date: _____

Joint Debtor

Date: 6-10-2019

/S/ PETER PENA, ESQ.
Attorney for Debtor(s)

Certificate of Notice Page 11 of 12

United States Bankruptcy Court
District of New JerseyIn re:
ANTONIA G. BENITEZ
DebtorCase No. 19-18638-VFP
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 25

Date Rcvd: Jun 11, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 13, 2019.

db
 518212517 ANTONIA G. BENITEZ, 405 Main St, Paterson, NJ 07501-2815
 518212518 BASCOM CORPORATION, 495 River St, Paterson, NJ 07524-1901
 518212518 Bloom/dsnb, PO Box 8218, Mason, OH 45040-8218
 518212522 CITY OF PATERSON, TAX COLLECTOR LIEN DEPT., 155 Market St, Paterson, NJ 07505-1414
 518212521 Citibank/the Home Depot, Attn: Recovery/Centralized Bankruptcy, PO Box 790034,
 Saint Louis, MO 63179-0034
 518212525 Department Store National Bank/Macy's, Attn: Bankruptcy, 9111 Duke Blvd,
 Mason, OH 45040-8999
 518212526 Dsnb Bloomingdales, Attn: Recovery 'Bk', PO Box 9111, Mason, OH 45036
 518212527 GUADALUPE FRESSIE, C/O PELLEGRINO & FELDSTEIN, 280 US Highway 46,
 Denville, NJ 07834-1239
 518212528 Hy Cite Enterprises, LLC/Royal Prestige, Attn: Bankruptcy, 333 Holtzman Rd,
 Madison, WI 53713-2109
 518212529 Hy Cite/Royal Prestige, 333 Holtzman Rd, Madison, WI 53713-2109
 518212530 Macys/dsnb, PO Box 8218, Mason, OH 45040-8218
 518212531 Target, Attn: Bankruptcy, PO Box 9475, Minneapolis, MN 55440-9475
 518212532 Td Bank USA/Targetcred, PO Box 673, Minneapolis, MN 55440-0673
 518212533 Thd/Cbna, PO Box 6497, Sioux Falls, SD 57117-6497
 518262962 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 518212534 WELLS FARGO DEALER SERVICES, PO Box 17900, Denver, CO 80217-0900

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jun 11 2019 23:39:49 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreign03.ne.ecf@usdoj.gov Jun 11 2019 23:39:45 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 518212516 E-mail/Text: ebn@americollect.com Jun 11 2019 23:39:56 Americollect Inc,
 1851 S Alverno Rd, Manitowoc, WI 54220-9208
 518212520 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 11 2019 23:46:37
 Capital One Bank USA N, 15000 Capital One Dr, Richmond, VA 23238-1119
 518212519 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 11 2019 23:47:22 Capital One,
 Attn: Bankruptcy, PO Box 30285, Salt Lake City, UT 84130-0285
 518287609 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jun 11 2019 23:46:53
 Capital One Bank (USA), N.A., 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
 518212523 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jun 11 2019 23:39:25 Comenitycapital/tytard,
 Attn: Bankruptcy Dept, PO Box 182125, Columbus, OH 43218-2125
 518212524 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jun 11 2019 23:39:26 Comenitycb/Toyota Rwds,
 PO Box 182120, Columbus, OH 43218-2120
 518268311 +E-mail/Text: bncmail@w-legal.com Jun 11 2019 23:39:57 TD Bank USA, N.A.,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 TOTAL: 9

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 13, 2019

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 10, 2019 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
 Kevin Gordon McDonald on behalf of Creditor Toyota Motor Credit Corporation
 kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 25

Date Rcvd: Jun 11, 2019

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

Marie-Ann Greenberg magecf@magtrustee.com
Peter Pena on behalf of Debtor ANTONIA G. BENITEZ penaesq@aol.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5